

Molin v. County of Napa, 05-16804

FEB 06 2008

NOONAN, Circuit Judge, concurring:

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

Regrettably, *Biggs* controls unless it is overruled. The result is regrettable because it gives a tool to petty tyrants to torment their enemies by prosecuting a parent, child or spouse. In the America that I am familiar with, injury to anyone in one of these relationships is the same, or worse, as an injury to oneself. The smell in this case is not good.